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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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09/884,651

06/19/2001

Brent D. Emerson

DSCK-1224-C1

3488

7590

04/28/2004

LORUSSO & LOUD

15 RYE STREET

SUITE 312

PORTSMOUTH, NH 03801

EXAMINER

HUNTER, ALVIN A

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/884,651 | Applicant(s)<br>EMERSON ET AL. |  |
|                              | Examiner<br>Alvin A. Hunter   | Art Unit<br>3711               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 26 is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is has been reconsidered by the examiner and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al. (USPN 6218453) in view of Stiefel et al. (USPN 5009427).

Boehm discloses a golf ball having good distance and feel characteristics (See Summary of the Invention). The golf ball comprises a core having a PGA compression of 70 or less and a cover having a Shore D hardness of 65 or less (See Claims 1-4). Boehm et al. does not disclose having dimples in a polygonal configuration including triangles. Stiefel et al. discloses a golf ball having 402 dimples arranged on the outer surface, with a first pattern of dimples associated with each triangle having dimples of dimples associated with each triangle having dimples of only one diameter, a second pattern of dimples associated with each triangles wherein the dimples are essentially circular with each one of the dimples has a sized defined by a diameter in the range of 0.126 to 0.156 inches and a depth in the range of 0.008 to 0.013 inches (See Figure 2 and Column 3, lines 30 through 55). One having ordinary skill in the art would have

found it obvious to have a first and second set of dimples associated with triangles, as taught by Stiefel et al., in order to optimize the flight performance of the golf ball.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al. (USPN 6218453) in view of Steifel et al. (USPN 5009427) further in view of Statz (USPN 4801649).

In regards to claim 21, Boehm et al. discloses a cover 12 a terpolymer of ethylene/methacrylic acid/n- alkyl acrylate, or what Boehm refers to as a low modulus ionomer, and a copolymer of ethylene/ methacrylic acid, or what Boehm refers to as a conventional ionomer (See Column 10, lines 48 through 65). Boehm does not disclose the specific type of alkyl acrylate used to produce the terpolymer. Statz discloses a terpolymer, wherein the n- alkyl acrylate is n-butyl acrylate (See Column 3, lines 31 through 35). One having ordinary skill in the art would have been obvious to use a n-butyl acrylate in the above combination, as taught by Statz, in order to reduce the hardness of the blend.

In regards to claim 22, Boehm et al. discloses that the terpolymer, or what Boehm et al. refers to as a low flexural modulus ionomer, is 30% of the blend and the copolymer, or what Boehm et al. refers to as a conventional ionomer resin is 70% of the blend (See Column 12, lines 31 through 49).

In regards to claim 23, Stiefel et al. shows the plurality of polygonal configurations being having polar and equatorial triangles.

***Allowable Subject Matter***

Claims 1-19 and 26 are allowed.

Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

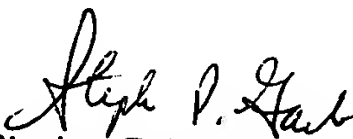
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Steve Garbe, can be reached on 703-308-1207. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin A. Hunter, Jr.

  
**Stephen P. Garbe**  
**Primary Examiner**